

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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COMMITTEE ON JUDICIARY

SB 2873 SD1 HD2, RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

Testimony of Gary Hooser
Director of the Office of Environmental Quality Control

March 27, 2012

1 **Office's Position:** Support

2 **Fiscal Implications:** None

3 **Purpose and Justification:** This measure proposes to amend chapter 343, Hawaii Revised
4 Statutes, to clarify and make permanent current exemptions for secondary actions that occur
5 within the highway or public right-of-way.

6 The OEQC supports the intent of exempting small actions in public rights-of-way likely
7 to have no impact or negligible impact on the environment.

8 The OEQC recognizes that extending what was previously known as Act 87 is a priority
9 of the administration and the Department of Transportation, and the OEQC stands ready to assist
10 in helping to achieve those goals in a manner that ensures consistency with the law and adequate
11 environmental and public interest protections.

12 The OEQC supports the intent and encourages all agencies whenever possible to utilize
13 the existing process which involves review and concurrence by the Environmental Council (EC).
14 There is currently no backlog in the process and the EC is presently reaching out to all agencies
15 and offering support and assistance in updating exemption lists.



Testimony to the House Committee on Judiciary

Tuesday, March 27, 2012

2:00 p.m.

State Capitol - Conference Room 325

**RE: SENATE BILL NO. 2873 SD1 HD2 RELATING TO ENVIRONMENTAL
IMPACT STATEMENTS**

Chair Keith-Agaran, Vice Chair Rhoads, and members of the committees:

The Chamber of Commerce of Hawaii strongly supports S.B. No. 2873 SD1 HD2 which proposes to permanently amend chapter 343, Hawaii Revised Statutes to clarify current exemptions for secondary actions and require that applicants prepare environmental assessments when required.

The Chamber is the largest business organization in Hawaii, representing more than 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

The legislation is needed because of the recent court decisions where any action that involved the use of a state or county road right of way was a "trigger" for the EA/EIS. Because an access improvement, easement, drainage, waterline, etc., is now viewed as a use of state or county lands when it touches (over, under, across) a state or county road right of way, the entire project is then required to prepare an environmental assessment for the entire project.

Requiring the preparation of a 343 HRS document for projects with insignificant environmental impacts makes a mockery of the EA/EIS process. If the legislative intent was that an EA/EIS would be required any time the project touches a public road, then the law should be changed to require an EA/EIS for all projects because all projects, at some point, connect to a public road.

The Chamber strongly supports S.B. No. 2873 SD1 HD2 which effectively excludes the installation and development of infrastructure and utilities within an existing public right-of-way or highway as the use of state or county lands for purposes of requiring an environmental assessment.

Thank you for this opportunity to express our views.